

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
Dallas Division**

CHARLENE CARTER,

Plaintiff,

v.

SOUTHWEST AIRLINES CO., AND
TRANSPORT WORKERS UNION OF AMERICA,
LOCAL 556,

Defendant.

Civil Case No. 3:17-cv-02278-B

**PLAINTIFF'S RESPONSE TO
DEFENDANT LOCAL 556'S
MOTION TO DISMISS**

Plaintiff Carter ("Carter") hereby files her Response to Defendant Local 556's Motion to Dismiss (ECF Nos. 23-24). The Court should deny Defendant Local 556's Motion to Dismiss in its entirety because, as stated in Carter's Brief in Support of her Response, the Complaint sets forth well-pleaded allegations demonstrating how Local 556, by and through the actions of its agents, reported Carter's protected speech and activities as "harassment and bullying" in an attempt to cause Carter's termination.

Carter has established a plausible entitlement to relief for her retaliation claims because, as discussed in her supporting Brief, such claims are legally cognizable against unions for retaliatory acts against employees who exercise their rights under the U.S. Constitution and Railway Labor Act, 45 U.S.C. § 151 *et seq.*, when such acts cause the employee to suffer an adverse action or adverse employment action. Local 556 "suppressed" and violated Carter's protected rights, and caused her termination when it reported Carter's protected speech and activities as "bullying and harassment."

Carter has also established a plausible entitlement to relief for her duty of fair representation claims because she has set forth detailed factual allegations to support her legal arguments that Local 556 breached its duty by invidiously discriminating against Carter and causing her termination.

In summary, Defendant has failed to offer any valid arguments or legal analysis to support its Motion. As these are the only grounds upon which Local 556 seeks to dismiss Carter's Complaint, its Motion must be denied.

Dated: October 31, 2017

Respectfully submitted,

s/ Jason E. Winford (with permission)

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CERTIFICATE OF SERVICE

On the 31st day of October, 2017, I electronically submitted the foregoing document with the Clerk of Court for the United States District Court, Northern District of Texas, using the electronic case files system ("ECF") of the Court, in compliance with this Court's Standing Order Designating Case for Enrollment in the Electronic Case Filing System "CM/ECF." Delivery of the notice of electronic filing that is automatically generated by ECF constitutes service under Fed. R. Civ. P. 5(b)(2)(D) on each party who is a registered user of ECF. Local Rule 5.1(d). I hereby certify that I have served all counsel electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

s/ Matthew B. Gilliam